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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,214	04/26/2000	Shuji Kuhara	049390-5003	9813

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EXAMINER

MATHEWS, ALAN A

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/558,214

Applicant(s)

KUHARA, SHUJI

Examiner

Alan A. Mathews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 7, 2003, has been entered.

### ***Claim Rejections - 35 USC § 103***

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Published European Patent Application EP 0 856 972 A (cited in the previous office action) in view of Kinjo et al. (U. S. Patent No. 6,219,129). The Published European Patent Application EP 0 856 972 A discloses in figure 1 a plurality of photographic processing sites (units) 3. A center 2 has a central server 12 which has a database. Column 3, lines 7-15, disclose transferring digital image data from the laboratory to the center server. Column 5, lines 43-53, discloses storing a template on the central server. This template includes photographic printing conditions. Column 6, lines 11-23 specifically state that the template could include procedures such as "to rotate the specified picture by 90°" or "lower the saturation of the specified picture". These are printing conditions. Column 10, lines 16-22, further discusses the template. Column 12, lines 2-4 states

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that whenever a new template is generated in the laboratory, a low resolution template corresponding to the new template is also registered in the center server. Column 3, lines 30 and 52, column 4, line 6 and line 25, and column 14, lines 14-27, disclose ordering **extra prints** after **first prints** are received. Thus, the Published European Patent Application EP 0 856 972 A discloses the invention except for specifically stating that the printing condition sent to the center server is color or density finishing. Kinjo et al. discloses in the Abstract lines 9-16, column 2, lines 1-5, column 2, lines 17-19, column 2, lines 34-43, column 14, line 11, column 19, lines 31-41, and column 21, lines 15-25, the use of memory means 68 to store printing conditions including color and density for later use in reprinting. Column 14, lines 43-45, disclose storing this information in a data base as the memory means 68. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the central server in the Published European Patent Application EP 0 856 972 A with printing conditions including color and density printing conditions in view of Kinjo et al. for the purpose of making more accurate reprints, which is the explicit motivation disclosed in Kinjo et al. for storing the printing conditions in memory 68 ( or a data base).

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Published European Patent Application EP 0 878 956 A1 (cited in the previous office action). Figure 1 discloses a plurality of different processing sites 1 and 2 (Dealer Branch Shop or Dealer Retail Shop). The Dealer Head Shop 5 is the center having a database. Page 3, lines 53-56 disclose editorial functions including, for example, changing into a photograph of a tone like an oil paint or watercolor picture. Other kinds of processing are available, such as sharpening of a defocus

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photographic picture, red-eye processing, and so forth. Any and all types of editorial functions can be implemented in this embodiment. These editorial functions are "printing conditions".

Page 5, lines 12-14, disclose that the user sends the editorial information to the web server 9 through the network. The head shop 5 then sends the editorial information to the branch shop 1 through the network. Page 8, lines 12-17, disclose that almost all the editorial functions, which can be dealt with by the franchisee of this system, are available for the editorial work from the user's computer. This includes red-eye processing and oil-paint processing and sepia processing, and so forth. Page 12, lines 53-55, disclose an order for printing being given from the client, the server transfers the editorial information to the dealer's machine which in turn automatically performs the editorial work on the high-resolution images stored therein, and prints the edited high resolution images. In addition, page 12, lines 56-58, and page 13, lines 1 and 2, disclose that the server's end has a server function for transferring the images to the client **and a function for storing the "editorial information" which indicates the types and contents of the edition made by the client.** Thus, server 9 stores editorial information (which is the same as Applicant's "printing conditions"). Thus, the Published European Patent Application EP 0 878 956 A1 discloses the invention except for specifically stating that the printing condition sent to the web server is color or density finishing. Kinjo et al. discloses in the Abstract lines 9-16, column 2, lines 1-5, column 2, lines 17-19, column 2, lines 34-43, column 14, line 11, column 19, lines 31-41, and column 21, lines 15-25, the use of memory means 68 to store printing conditions including color and density for later use in reprinting. Column 14, lines 43-45, disclose storing this information in a data base as the memory means 68. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide

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the web server in the Published European Patent Application EP 0 878 956 A1 with printing conditions including color and density printing conditions in view of Kinjo et al. for the purpose of making more accurate reprints, which is the explicit motivation disclosed in Kinjo et al. for storing the printing conditions in memory 68 ( or a data base).

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtsuka (U. S. Patent No. 6,327,049) in view of Kinjo et al. (U. S. Patent No. 6,219,129). Ohtsuka discloses in figures 1 and 3 a laboratory system 2 (2a, 2b, and 2c) which comprise a plurality of different photographic processing sites. Element 7 is the center having a database which stores printing conditions. Column 10, lines 42-59, column 11, table 3, and figure 4 disclose some of the printing conditions. Thus, Ohtsuka discloses the invention except for specifically stating that the printing condition sent to the center is color or density finishing. Kinjo et al. discloses in the Abstract lines 9-16, column 2, lines 1-5, column 2, lines 17-19, column 2, lines 34-43, column 14, line 11, column 19, lines 31-41, and column 21, lines 15-25, the use of memory means 68 to store printing conditions including color and density for later use in reprinting. Column 14, lines 43-45, disclose storing this information in a data base as the memory means 68. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the center 7 in Ohtsuka with printing conditions including color and density printing conditions in view of Kinjo et al. for the purpose of making more accurate reprints, which is the explicit motivation disclosed in Kinjo et al. for storing the printing conditions in memory 68 ( or a data base).

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*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Watanabe et al. is cited to show a center server 12 in figure 1 for a network photograph service system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (703) 308-1706. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Alan A. Mathews  
Primary Examiner  
Art Unit 2851

AAM